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Dee.allen@ldftribe.com[Dee.allen@ldftribe.com];
lwawronowicz@ldftribe.com[lwawronowicz@ldftribe.com]
To: rdubey@scblaw.com[rdubey@scblaw.com]
From: Olson, Erik
Sent: Mon 9/14/2015 3:57:36 PM
Subject: Re: Tower Standard Site URGENT MATTER

Richard,

I was at an appointment this morning and just received your email. I will check in with my client and get back to you.

Regards,
Erik

From: Richard Du Bey <RDuBey@scblaw.com>
Sent: Friday, September 11, 2015 6:42 PM
To: Olson, Erik
Cc: KHanson@ldftribe.com; Dee.allen@ldftribe.com; lwawronowicz@ldftribe.com
Subject: Tower Standard Site URGENT MATTER

Confidential Enforcement Sensitive Matter

Dear Erik

The purpose of this note is to advise you of an unanticipated immediate problem, with substantial legal consequences, that just arose regarding the Tower Standard Site.

It is my understanding that the contractor hired by the State, to conduct the investigation to place next week, has advised the property owner to only provide access to EPA if the agency agrees to limit the scope of the contaminants it will test for--to those proscribed by the consultant. In short, that is not consistent with the analysis that the Tribe has determined necessary to properly characterize the Site and provide for informed remedial decision making. And this is certainly not the consistent with the goals of our ongoing consultation process.

The Tribe needs the flexibility to take split samples and analyze them as it sees fit to assure the protection of human health and the environment. And EPA has acknowledged its trust responsibility to assist the Tribe in doing so.

However, it has come to the Tribe's attention that EPA may have agreed to the contractor's unreasonable access conditions. If so, this is not acceptable and EPA needs to reassess its position immediately.

As you well know, this matter involves important issues of Tribal sovereignty that may not be limited for the purpose of administrative convenience.

Accordingly, I have been asked by the Tribe to request that EPA legal counsel look into this matter to help determine the status of this urgent matter and assist in our development of an agreed path forward.

Your prompt attention to this matter is appreciated.

Richard

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